

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JUNIOR WALKER MILLS,

Petitioner,

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

3:03-cv-00219-LRH-RAM

ORDER

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. The petition was dismissed and judgment was entered on May 19, 2005. (Docket #59, #60). Petitioner has filed a motion requesting copies of documents comprising the excerpt of the record in an appeal, pursuant to Ninth Circuit Rule 30-3. (Docket #71). On November 22, 2005, the Ninth Circuit Court of Appeals denied petitioner's request for a certificate of appealability in the instant action. (Docket #70). As there is no pending appeal in this action, petitioner's motion for documents is unwarranted and is therefore denied.

The Court notes that, while petitioner captioned his motion with the instant district court case number, the appellate case number referenced in the motion does not correspond to the appellate case number for the instant action. Instead, petitioner refers to appellate case number 08-15582, which is an appeal of the decision in district court case number 2:07-cv-1084-JCM-PAL. To the extent that petitioner is seeking documents related to his appeal of the decision in case number 2:07-cv-1084-JCM-PAL, he may file a motion for the same in that case.

1           **IT IS THEREFORE ORDERED** that petitioner's motion for documents (Docket #71) is  
2 **DENIED**, without prejudice to petitioner filing a motion for the same in the appropriate case.

3           DATED this 11th day of December, 2008.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE